

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 50

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAR 27 2002

Ex parte HIDEHIKO KIRA, MASANAO FUJII,
AND NAOKI ISHIKAWA

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Appeal No. 2001-1082
Application No. 08/897,953

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

PER CURIAM

On May 30, 2000, applicants filed a Notice of Appeal (Paper No. 45). On October 15, 2001, applicants filed a request for a Continued Prosecution Application (CPA) of the present application (Paper No. 49) under 37 CFR § 1.53(d). Pursuant to 37 CFR § 1.53(d)(2)(v), a request for a CPA operates as a request to expressly abandon the prior application.

Appeal No. 2001-1082
Application 08/897,953

Accordingly, it is

ORDERED that the appeal filed May 30, 2000 (Paper No. 45)

is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


BRUCE H. STONER, JR., Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge

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